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12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14

15 OMAR ABDULAZIZ,  
16 Plaintiff,  
17 v.

18 TWITTER, Inc.; McKINSEY & Co.; and  
DOES 1-10; inclusive,  
19 Defendants.  
20

) Case No.: 3:19-cv-06694-LB  
)  
) **PLAINTIFF'S OPPOSITION TO**  
) **DEFENDANT'S ADMINISTRATIVE**  
) **MOTION TO CONTINUE CASE**  
) **MANAGEMENT CONFERENCE**  
)  
) Dept: Courtroom B, 15<sup>th</sup> Flr  
) Judge: Hon. Laurel Beeler

21 Date Filed: October 18, 2019

22 Trial Date: Not Yet Set  
23

24 We have always been willing to accommodate counsel's schedule and we told him that  
25 one day after he asked for a continuance, suggesting January 23 or 30, 2020. (See Exh. A to  
26 Kleiman Declaration) But this case is nearly two months old and Defendants propose  
27  
28

1 postponing the CMC (and therefore delaying discovery) until the pleadings are settled, which  
2 could be several months more.

### 3 **Factual Background**

4 Plaintiff has sued Twitter and McKinsey alleging that McKinsey warned Mohammad  
5 bin Salman about Plaintiff's effectiveness as a political dissenter and that Twitter knew  
6 Plaintiff's confidential account information had been hacked by a Saudi state operative, but  
7 concealed this from Plaintiff. Plaintiff alleges that although Twitter warned the security  
8 researchers, academics, and journalists whose accounts were hacked that they "may have been  
9 targeted by state-sponsored actors", no such warning was given to him. (Dkt. No. 001, ¶48.)

10 Shortly after the suit was filed, the Justice Department issued a criminal complaint (and  
11 then later an indictment) against three Saudi operatives, including the one Plaintiff had  
12 identified by name in his civil suit. (Kleiman Declaration, Exhibits B and C.) The DOJ's  
13 filings revealed for the first time that nearly six thousand Twitter accounts had been hacked.  
14 Twitter did nothing about this for months.

### 15 **Argument**

#### 16 **Anticipated Discovery Will be Lengthy**

17 This case will require significantly more planning for and attention to discovery, making  
18 delay especially pernicious. Because Mohammad bin Salman was primarily interested in Saudi  
19 dissidents, we expect that the hacked Twitter users will be in a number of different countries,  
20 requiring extraterritorial discovery. "The need for evidence located outside the United States  
21 should be explored early in the proceedings to allow for the extra time that may be required to  
22 obtain it." 32 *Moore's Federal Practice* - Civil 11.4 (2019).

23 Second, to the extent that discovery against McKinsey will require deposing some of  
24 their more than 400 employees in Riyadh, Plaintiff anticipates needing to work out a protective  
25 order that will allow these depositions to take place in a country other than Saudi Arabia where  
26 the Plaintiff and his counsel will not fear for their lives.

1 All of this will take some time to arrange, and delay will prejudice the Plaintiff, who  
2 carries the burden of proof.

3 **Defendants Have Failed to Show That it is Likely They Will Dispose of This Case**  
4 **Through Motions to Dismiss.**

5 If defendants have such winning argument, why hasn't either defendant asked to meet  
6 and confer with Plaintiff regarding their substantive objections to the complaint? Other than  
7 unsupported assertions, neither defendant has offered any explanation at all about why the  
8 complaint is objectionable or that it should be significantly narrowed. Indeed, Defendant's  
9 reservation of their right to seek a protective order only highlights the likely protracted nature of  
10 this litigation.

11 The time to begin this lengthy process is now, not one, two, or three months down the  
12 road when defendants have sought every delay possible.

13 **Conclusion**

14 The Court should continue the Case Management Conference until January 23 or January  
15 30, with the dates for the Rule 26(f) conference being moved concomitantly.

16 DATED: December 6, 2019

RESPECTFULLY SUBMITTED

17 **KLEIMAN / RAJARAM**

18 By:   
19 \_\_\_\_\_

20 Mark Allen Kleiman, Esq.

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22 **LAW OFFICES OF BEN GHARAGOZLI**

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